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10 Attorneys for Plaintiff
11 United States of America

12
13 IN THE UNITED STATES DISTRICT COURT
14 EASTERN DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,

16 Plaintiff,

v.

DALE WESLEY HUBBARD,

Defendants.

CASE NO. 1:22-CR-00306-JLT-SKO

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

CURRENT DATE: October 18, 2023

TIME: 1:00 p.m.

COURT: Hon. Sheila K. Oberto

17 STIPULATION

18 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
19 through their counsel of record, hereby stipulate as follows:

20 1. By previous order, this matter was set for status on October 18, 2023.
21 2. The Court issued a minute order directing the parties to set a trial date either by
22 stipulation or agreement on the record by October 11, 2023.
23 3. By this stipulation, defendant now moves to vacate the status conference and set a change
24 of plea hearing for November 6, 2023 before the Honorable Jennifer L. Thurston, and to exclude time
25 between October 18, 2023, and November 6, 2023, pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).
26 4. The parties agree and stipulate, and request that the Court find the following:
27 a) The government asserts the discovery associated with this case includes reports,
28 photographs, and recordings; initial discovery has been provided to defense counsel and the

1 government anticipates significant additional discovery will be produced. The government is
2 aware of its ongoing discovery obligations.

3 b) Counsel for defendant desires time to finalize plea discussions with their clients
4 and have accounted for scheduling conflicts to reach the proposed date.

5 c) Counsel for defendant believes that failure to grant the above-requested
6 continuance would deny them the reasonable time necessary for effective preparation, taking into
7 account the exercise of due diligence.

8 d) The government does not object to the continuance.

9 e) Based on the above-stated findings, the ends of justice served by continuing the
10 case as requested outweigh the interest of the public and the defendants in a trial within the
11 original date prescribed by the Speedy Trial Act.

12 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
13 et seq., within which trial must commence, the time period of October 18, 2023 to November 6,
14 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv), because it
15 results from a continuance granted by the Court at defendant's request on the basis of the Court's
16 finding that the ends of justice served by taking such action outweigh the best interest of the
17 public and the defendant in a speedy trial.

18 [Remainder of page intentionally left blank.]

1 5. Nothing in this stipulation and order shall preclude a finding that other provisions of the
2 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
3 must commence.

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5 IT IS SO STIPULATED.

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7 Dated: October 11, 2023

PHILLIP A. TALBERT
United States Attorney

8 _____
9 /s/ KIMBERLY A. SANCHEZ
KIMBERLY A. SANCHEZ
Assistant United States Attorney

10 Dated: October 11, 2023

11 _____
12 /s/ KEVIN P. ROONEY
KEVIN P. ROONEY
Counsel for Defendant
DALE WESLEY HUBBARD

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17 **ORDER**

18

19 IT IS SO ORDERED.

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21 DATED: 10/11/2023

22 _____
Sheila K. Oberto

23 Hon. Sheila K. Oberto
U.S. Magistrate Judge